

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DIONYSIUS S. FOX,

Petitioner,

v.

Nos. CIV 10-0914 JB/GBW  
CR 05-0772 JB

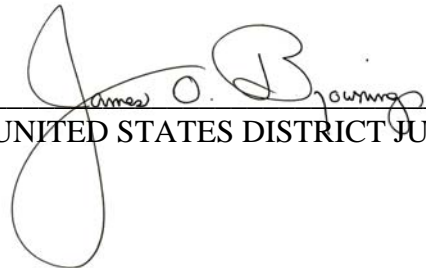
UNITED STATES OF AMERICA,

Respondent.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

**THIS MATTER** comes before the Court on the Magistrate Judge's Proposed Findings and Recommendation for Disposition, filed March 16, 2011 (Doc. 9) ("PFRD"). The PFRD notified the parties of their ability to file objections and that failure to do so waives appellate review. See PFRD at 15. See also Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010). To date, neither party has filed objections, and there is nothing in the record indicating that the proposed findings were not delivered. Accordingly, the Court adopts the PFRD.

**IT IS ORDERED** that: (i) the April 28, 2011 Magistrate Judge's Proposed Findings and Recommendation for Disposition, filed March 16, 2011 (Doc. 9) is adopted; and (ii) the Petition of Dionysius S. Fox for the Writ of Habeas Corpus pursuant to 28 U.S.C. § 2255 be denied.

  
UNITED STATES DISTRICT JUDGE

*Parties and counsel:*

Dionysius S. Fox  
United States Penitentiary  
Lewisburg, Pennsylvania

*Plaintiff pro se*

Kenneth J. Gonzales  
United States Attorney  
Louis E. Valencia  
Assistant United States Attorney  
United States Attorney's Office  
Albuquerque, New Mexico

*Attorneys for the Defendant*